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MEMORANDUM FOR THE RECORD

SUBJECT: Governmental Affairs Committee Mark-up of Three Bills
Affecting Agency Administrative and Personnel
Practices

1. Today, I attended the Governmental Affairs Committee mark-up of several bills (Agenda attached), three of which affect the Agency. The first, the Political Activities Act (HR 3400), was amended to soften some of the more serious concerns voiced by the Administration. However, none of the amendments contained the language exempting the CIA. The only strong opposition to the bill came from Roth who pointed out several weaknesses, including unique problems faced by such agencies as IRS. Roth's amendments failed to pass by a wide margin. I later talked with Ed Gleiman, Governmental Affairs staff director, who reported that both Cohen's and Roth's personal staff as well as Charles Battaglia of the SSCI staff had been in touch with him about the CIA exemption. He confirmed that a letter is coming from Boren, Cohen, and Roth raising the need to exempt the Agency. But, Gleiman reported that when he talked with Senators Glenn and Pryor before mark-up both indicated that they were unwilling to start making exemptions for particular agencies. I talked with Battaglia again today, and he believes he can get Boren, Cohen or Roth to introduce a floor amendment. When I pointed out that Roth had strongly opposed the bill during mark-up but did not speak to the Agency problem and that Cohen remained silent, Battaglia said that "they just were not prepared".

2. The Committee also favorably reported out S. 2140, the Federal Employees Leave Donation Act. The bill contains the CIA exemption I worked out earlier last month with the Governmental Affairs staff. The language which is the same as that contained in the House version and permits the Agency to establish its own leave donation program consistent with the provisions of the S. 2140. The Office of Personnel had asked if I could not get the Agency an exemption which would allow us to establish a bank rather than the one to one transfer mandated in S. 2140. This request proved impossible to negotiate. However, a staffer reported that OPM was looking for agencies who wanted to serve as a demonstration project for the bank and that the staff was prepared to support us if we were serious about wanting a leave bank. I sent a copy of S. 2140, as marked-up, to the Office of Personnel [redacted], and requested that they review the provisions pertaining to the

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leave bank and inform me if they want me to have the Governmental Affairs staff press for the Agency to serve as one OPM demonstration project.

3. The Committee reported out the Whistleblowers Act (S. 508) without the language mandating that the Merit System Protection Board review all decisions made by agencies revoking employee security clearances. Because this language was not included, the need for an Agency exemption was made unnecessary. When I spoke with Kim Weaver the staffer managing S. 508, she reported that she had indeed talked with her House counterpart about this language and became convinced that this change as proposed in the House version is unnecessary. She further informed me that she had talked with Senator Pryor who strongly opposed having the Merit Protection Board responsible for reviewing revocation of security clearances. If such language does appear in the House version, Weaver does not believe it will sustain in the ensuing Conference.

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Congressional Affairs

cc: DDA
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GOVERNMENTAL AFFAIRS COMMITTEE

MARKUP

THURSDAY, MAY 19, 1988

10:00 A.M.

Room 342 of the Dirksen Senate Office Building

Agenda

NOMINATIONS

William Hardee LeBlanc, III, to be a Commissioner of the United States Postal Rate Commission

Henry R. Folsom, to be a Commissioner of the United States Postal Rate Commission

LEGISLATION

S. 2344, Office of Government Ethics Reauthorization Act of 1988

"Implementing Legislative Language" for the U.S.-Canadian Free Trade Agreement (FTA): Chapter 13, Article 1301-1309 (Government Procurement); Chapter 10, Article 1004 (Select Panel on the Competitiveness of the North American Automotive Industry).

H. R. 3400, The Federal Employees Political Activities Act of 1987

S. 508, Whistleblower Protection Act of 1987

S. 2140, Federal Employees Leave Bank Act of 1988

S. 2188, to amend section 307 of the Federal Employees' Retirement System Act of 1986

H. R. 2985, to designate the facility of the United States Postal Service located at 850 Newark Turnpike in Kearny, New Jersey, as the "Dominick V. Daniels Postal Facility"